

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yeshaiahu Fainman
 Serial No.: 10/521,425
 Conf. No.: 9057
 Filed: 3/22/2005
 For: HOLOGRAPHICALLY
 DEFINED SURFACE MASK
 ETCHING METHOD AND
 ETCHED OPTICAL
 STRUCTURES
 Art Unit: 2814
 Examiner: Rao, Shrinivas H.



I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

December 20, 2007

Date

F-CLASS WCM

Appr. February 20, 1998

Registration No. 35,132

Attorney for Applicant(s)

Please Enter /SR/ 04/24/2008

Box AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

AMENDXL

Dear Sir:

Transmitted herewith is a communication regarding the above-identified application.

Fee Calculation For Claims As Amended

	As Amended		Previously Paid For		Present Extra		Rate		Additional Fee
Total Claims	<u>21</u>	-	<u>21</u>	=	<u>0</u>	x	\$ 50.00	=	\$ 0
Independent Claims	<u>3</u>	-	<u>3</u>	=	<u>0</u>	x	\$210.00	=	\$ 0
Fee for Multiple Dependent Claims							\$370.00	=	\$ 0
							Total Additional Fee		<u>\$ 0</u>
							Small Entity Fee (reduced by half)		<u>\$</u>

(X) Response B.

(X) If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely and does not separately accompany this transmittal, Applicant(s) hereby petition(s) under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By: 

Steven P. Fallon, Reg. No. 35,132

December 20, 2007
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Registration No. 35,132
Attorney for Applicant(s)

RESPONSE B

Box AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the final Office Action mailed October 29, 2007.

REMARKS

As a first note, Applicants respectfully submit that the finality of the office action is inappropriate. The basis of the rejection against claim 20, originally §103 based upon Yoshimura and the examiner's official notice that "periodic defects (34) in the multilayer structure interrupting the alternating refracting indices with alternating periodically" was well known, has been apparently changed to relying upon a new combination of references that now includes Yoshimura and Visconti, where Visconti is relied upon for "the well known in the art the nanocavities". (See action p. 6). There was no mention in the original rejection of claim 20 of any reliance upon any "well known" features or anything that would give any impression whatsoever that Yoshimura was not